



An
Bord
Pleanála

Inspector's Report

ABP-306335-20

Development

Amendments to previous permissions and additional build to rent residential accommodation. Extension and increase in the extent and partial increase in heights of permitted Apollo House and College House. Also new build to rent residential accommodation over part of the permitted Apollo House containing 54 residential apartment units.

Location

Apollo House, Tara St., 9-11
Townsend St. (incl. The Long Stone
Pub) College House, Nos. 2-3
Townsend St. & the Screen Cinema,
16-19 Hawkins St. Dublin 2.

Planning Authority

Dublin City Council South

Planning Authority Reg. Ref.

4170/19

Applicant(s)

Atlas GP Limited.

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal	Third Party
Appellant(s)	An Taisce
Observer(s)	TII Irish Georgian Society Tanat Ltd.
Date of Site Inspection	11 th May 2020
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The subject site is located in Dublin City Centre to the immediate south of the River Liffey. The site forms the south-eastern quarter of an urban city centre block bounded by Townsend St. to the South, Tara St. to the East, Hawkins St. to the East, Hawkins House to the North and West and Poolbeg St. to the North.
- 1.2. The subject site is located at the junction of Townsend Street and Hawkins Street to the southwest and Poolbeg Street and Tara Street to the northeast. Lands to the immediate north accommodate 'Hawkins House' a large office building dating from the late 1960s accommodating offices associated with the Department of Health and The Brokerage apartment building is located to the southeast of the site.
- 1.3. The surrounding area accommodates institutional and commercial uses associated with the city centre. Dolier House and Apex House are located opposite the site to the immediate west between Dolier Street and Hawkins Street. Pearse Street Garda Station is located to the south while smaller scale office and residential uses are located to the immediate east at the corner of Townsend Street and Tara Street. Both Pearse Street Garda Station and Dolier House are protected structures. Further south of the subject site is Trinity College, Dublin a complex of landmark 18th century buildings most of which are also protected structures and are part of a designated Architectural Conservation Area.

2.0 Proposed Development

- 2.1. The development will comprise the amendment of previous permissions and proposed additional build to rent residential accommodation on previously permitted College House and the former Screen Cinema (DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709) and the former Apollo House DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19, as follows:

1. The proposed development consists of amendments to the permitted basement layouts including relocation of permitted core locations and alterations to plant areas and the addition of a residential waste store and residential cycle parking (76 cycle spaces). The proposals also include the reduction in car parking from 48 spaces to 40 spaces and an increase in cycle parking for the commercial offices from 404 spaces to 510 spaces (with an additional 20 at ground level).

2. Decrease in permitted office amenity space at basement -1 from 505sq.m to 305sq.m2.
3. Extension and increase in the extent and partial increase in heights of permitted Apollo House and College House developments where they adjoin onto the corner of Townsend St. and Tara St. There is no increase in overall maximum height of the permitted office buildings as a result of these proposed amendments.
4. The proposed development also includes new build to rent residential accommodation over part of the permitted Apollo House onto Poolbeg St. and Tara St. containing 54 residential apartment units (45 no. 1 bedroom and 9 no. 2 bedroom). The proposed residential element is ten storeys including a setback amenity floor with further set back screened plant. The proposed residential element includes communal internal residential amenity space of 207.9sq.m and external terraces on the east and west elevations. The proposed combined building height is 21 storeys (78.95m above street level).
5. Alterations to the proposed material and colour finishes of both permitted buildings, including minor alterations to the geometric arrangement of the facade. Proposed enclosure of the permitted plant screen on College House with a louvered cover.
6. Alterations to the permitted ground floor layouts of College House and Apollo House to include a new residential reception on Tara Street, the reconfiguration of the permitted office entrance foyers and the permitted cafe/retail/restaurant units and alterations to plant/services including a new ESB substation on Hawkins Street. These alterations include for a minor relocation of permitted ground and first floor external walls.
7. Overall minor decrease in permitted cafe/retail/restaurant floor space of 59 sq.m, increase in venue floor space of 87sq.m and increase in commercial floor space of 3,939 sq.m resulting from these proposed alterations.
8. The proposed scheme includes green roofs, PV panels, building lighting and associated signage

- 2.2. The appeal site is 0.57 ha incorporating Apollo House, Tara St., 9-11 Townsend St. (incl. The Long Stone Pub), College House, Nos. 2-3 Townsend Street, and the Screen Cinema, 16-19 Hawkins Street, Dublin 2.
- 2.2.1. In implementing the planning permission obtained for the College House and Apollo House sites, the development proposes amendments to both of these sites consisting of amendments to the streetscape, increase in floor area and building mass to optimise the interconnectivity of the buildings, in addition to the introduction a 10-storey residential tower above the permitted Apollo House. At its highest point the proposal will rise to 21 storeys plus an open screened plants area (10 office + office plant + 10 residential).
- 2.2.2. In terms of the façade treatment is it proposed to amend the materiality of the façade treatments to reflect a more consistent architectural character and material palette whilst maintaining a contemporary appearance.
- 2.2.3. A Townscape and Visual Impact Assessment (TVIA) and Photomontages, Sustainability and Engineering Services Report, Appropriate Assessment Screening Report, Motility Management Plan, Conservation Report, Daylight/Sunlight report, Flood Risk Assessment, Engineering Assessment Report, Outline Construction Management Plan and Operational Waste Management Plan accompanied the planning application

3.0 **Planning Authority Decision**

3.1. **Decision**

- 3.1.1. The planning authority granted permission subject to 19 conditions. The following conditions area of note:

Condition No. 2 Development Contribution

Condition No. 3 Section 49 Supplementary Development Contribution in respect of Luas C1 Line Area.

Condition No. 4 Relates to the reequipment to comply with Section 96 of the Planning & Development Act 2000 (as substituted by Section 3 of the Planning & Development Amendment Act 2002)

Condition No. 5 stipulates

Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'build to rent units' within the scheme.

Reason: In the interests of the proper planning and sustainable

Condition No. 6 stipulates

The 54 residential apartment units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, (March 2018).

Reason: In the interest of the proper planning and sustainable development of the area.

Condition No. 7

The Applicant shall comply with the conditions attached to the parent permissions pertaining to the development site.

Condition No. 15 – Refers to Archaeology

Condition No. 16 - Refers to the requirements of TII in relation to works in the vicinity of the Luas.

Condition No. 19 – Compliance with the requirements of Irish Aviation

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The report of the Planning Officer reflects the decision of the planning authority. The Planning Officer notes the planning history and the zoning objectives for the area. It is considered that the on balance, the proposed development will add to the upgrading of one of the most prominent locations in the City, contribute to the animation of the area, will allow for the construction of a striking and innovative

contemporary/modern residential tower in an inner city location proximate to public transport and other amenities. The proposed apartments will add to the quality and quantity of the housing stock in the area and will provide a valuable asset for both established and new communities and the proposal exhibits a distinctive contemporary design which will make a positive contribution to the subject site and Dublin's urban fabric. The proposed development is considered consistent with the overall aims of the George's Quay LAP, including those objectives relating to the redevelopment of Hawkins House Site in regard to high quality architectural design, a mix of uses, maximisation of the site's potential for economic development, proximity to public transport and the identification of the site for additional height.

The report concludes that the proposed development would not seriously detract from the setting and character of the Custom House and would not adversely affect the River Liffey Conservation Area or the O'Connell Street and Environs Architectural Conservation Area and that the proposal, would not have a significant and negative impact on a number of important views and vistas in the city and on balance, the proposed scheme is unlikely to have any greater visual impact on the skyline than the scheme permitted as part of App Ref: 3794/18 (An Bord Pleanála Ref PL29S.302980)

3.2.2. Other Technical Reports

Transportation Planning Division – (Report dated 2nd December 2019) – No objection subject to conditions.

Engineering Department – Drainage Division (Report dated 19th November – No objection subject to conditions.

City Archaeologist – No objection subject to conditions and compliance with condition no. 7 of planning permission DCC 3637/17.

3.3. Prescribed Bodies

Transport Infrastructure Ireland – In their report dated 11th November 2019 the TII set out a detailed condition relating to the development noting that the site falls within the area covered by the Supplementary Development Contribution Scheme (Section 49, Planning & Development Act, 2000 as amended). Luas Cross City (St. Stephen's

Green to Broombridge Line). The works should not have an adverse impact of Luas operation and safety.

Irish Aviation Authority - In their report dated 17th October 2019 the IAA state that the applicant should engage with them and Dublin Airport to review the impact of the development and associated crane operations on flight procedures and agree an aeronautical lighting scheme for the development,

An Taisce - In their report dated 12th November 2019 An Taisce express concerns regarding the height of the development and the relevant policies and objectives of the Georges Quay LAP and the Height Guidelines (2018). In addition to the impact on the historical setting, the environmental and energy consumption costs associated with high rises buildings and the affordability of the residential units and the potential fire risks.

3.4. **Third Party Observations**

A total of three submissions were made in relation to the development. A brief summary of the issues raised in the submission to the Planning Authority are set out below:

- The Georges Quay LAP states that heights would not generally exceed 8 storeys across the site with the possibility for a midrise element rising to no higher than 12 storeys.
- The Urban Development and Building Heights Guidelines has the intention of improving densities in places where it is needed and not to facilitate the construction of high-rise towers in areas of great contextual and architectural sensitivity, like the subject site.
- The proposed scheme will have a detrimental visual impact from a number of key locations within the City, including the Custom House, O'Connell St ACA, Parnell Sq, Grafton St ACA, College Green and the grounds of Trinity in terms of long-range views
- The proposed development will have a detrimental impact on the built heritage of the City
- The proposal will lead to inflation of adjacent land prices and increases in unaffordability

- The proposal will not deliver affordable homes
- The proposal is closer to College Green than the permitted Tara Tower and will therefore have a greater detrimental impact
- The proposal would further undermine the potential designation of Georgian Dublin as a World Heritage Site
- The proposal will overshadow nearby properties, including a loss of daylight and sunlight to residential amenity space

4.0 Planning History

Site

Apollo House and College House Amendments

DCC Reg. Ref. 2583/20 – Current Application. Permission sought for amendments to the permitted development to include the demolition of existing structures (which includes the apartment building known as The Brokerage, vacant ground floor retail unit and bar unit basement -1) and the construction of a new 8-11 storey commercial development on the site of the existing Brokerage Building on the south east corner of the site, that would integrate into the adjacent permitted College House and Apollo House office development.

DCC Reg. 3668/19 / ABP 305652-19 - Permission granted for amendments of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17 ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907) and as amended by DCC Reg. Ref.: 2415/19.

DCC Reg.2907/19 / ABP Ref. 304950-19 - Permission granted for the amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref. 3637/17, ABP Ref: PL29S.300709) and the former Apollo House (DCC Reg. Ref.: 3036/16, ABP Ref: PL29S.247907).

DCC Reg. 2415/19 - Permission granted in 2019 for development at a site of 0.5 ha at Apollo House, Tara Street. The development consists of the amendment of previous permissions relating to College House and the former Screen Cinema (DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709) and the former Apollo House

(DCC Reg. Ref: 3036/16, ABP Ref: PL29S.247907) DCC Reg. Ref: 3637/17, ABP Ref: PL29S.300709.

College House Redevelopment

DCC Reg.3637/17 / PL.29S.300709 – Permission granted in 2018 for the demolition of 9-storey building, including multi-storey car park and cinema building and construction of a 10-storey over two-level basement commercial mixed-use office building with café/restaurant and a 500-seater entertainment venue with all associated site works.

DCC Reg. 4593/17 - Permission granted in 2018 for the demolition of College House and Screen Cinema.

Apollo House Redevelopment

DCC Reg. 3036/16 / PL29S.247907 –Permission granted in 2017 for the demolition of Apollo House and Longstone Pub on lands to the immediate east of the subject site and the construction of a commercial building ranging in height from 5 to 12 storeys. As in the case of the other applications on adjoining sites, the proposal incorporated commercial office space at the upper floors with café, restaurant and retail units at ground floor level. The total floor area of the proposed development to the immediate east of the subject site amounted to 16,205 square metres.

Surrounding

DCC Reg. 2857/19 /ABP 304872-19 – Permission granted in September 2019 for the change of use of three apartments into tenant amenity rooms, the Brokerage, Townsend Street, Dublin 2.

DCC Reg. Ref 3794/18/ABP 302980-18 – Permission granted in 2019 for the demolition of office building & construction of 22-storey office & hotel development

DCC Reg. 3037/16 / PL29S.247912 – Permission granted in 2017 to demolish the existing Hawkins House, the building to the immediate north of the subject site and the construction of a commercial office building ranging in height from 6 to 10 storeys with a total gross floor area of 18,861 square metres. Together with café, restaurant and retail use at ground floor level and basement car parking for 51 cars. The

development also incorporates a new civic space between Poolbeg Street and Hawkins Street incorporating hard and soft landscaping.

DCC Reg. 1466/96 / PL 29S100094 -Permission granted in 1997 for the demolition of existing buildings and construction of new 4 storey over basement and ground floor mixed use development comprising ground and part basement pub of area 508 sq.m. ground and part basement shop of area 145 sq.m; and 15 no. 2 bed. and 13 no. 1 bed. apartments, all on 4 floors over ground level (total 28 no.).

5.0 Policy Context

5.1. Development Plan

George's Quay Local Area Plan

- 5.1.1. This local area plan is a statutory plan adopted in 2012 (extended 2022). The plan area is bounded by Pearse Street to the south, the quays to the north, Hawkins Street to the west and Lombard Street to the east. The overall land use strategy for the George's Quay area is for the promotion of a mixed-use character to support the creation of a vibrant central city district by ensuring that each urban block contains a mix of land uses and promote the area as an attractive location for headquarter buildings.
- 5.1.2. The area in which the subject site is located is designated as "a space with significant regeneration potential". The subject site is also located in one of the key site framework locations known as 'Hawkins House'. Figure 28 sets out the Hawkins House Design Framework (this framework is depicted in both the grounds of appeal and the applicant's response to the grounds of appeal). The plan sets out two key objectives for the Hawkins House site (a) to strengthen and make key public realm nodes throughout the area including approved concourse at Tara Street Station at the end of the new diagonal route across Hawkins House site and (b) new civic spaces around City Quay, Church and School.
- 5.1.3. A mid-rise marker building could be incorporated in the Hawkins House redevelopment to announce the entrance to the new diagonal civic route. It notes that the site is one of the most prominent locations within the city centre located between Trinity College and the busy train station on Tara Street and adjoining major retail, cultural and leisure facilities at Henry Street, Grafton Street and Temple Bar. It is also close to major

banking centres, prestigious hotels and office headquarters. For these reasons this site presents one of the best opportunities within the city for new international standard/office headquarter commercial facilities and also a critical opportunity to create an urban environment worthy of this valued location.

5.1.4. The LAP seeks full redevelopment of these lands. Each of the objectives provide a framework within which individual landowners can bring forward all or some of the site for redevelopment and that each element will deliver key pieces of urban form sought at this location.

5.1.5. It is not the intent of the LAP to prescribe the detail of the form of buildings or shape of the spaces they create but to set a framework within which innovative interesting and sustainable design approaches can be explored. The Hawkins House framework has five elements:

1. New pedestrian civic route supported by two small pedestrian connections.
2. An urban plaza space marking both ends of the civic route.
3. Provision of a new similarly sized cultural use in any redevelopment of the screen cinema site.
4. Strong appropriately scaled edged buildings to Tara Street.
5. One possibly two mid-rise buildings up to a maximum of 12 storeys within the north-western portion of the site subject to a detailed impact assessment.

5.1.6. The LAP goes on to set out the objectives in more detail. A list of 11 objectives are set out.

1. To promote the site for the development of new urban quarter providing high quality new buildings and reintegrating this street block into the urban fabric of the city centre.
2. To promote this site and new buildings within as a location for high quality modern headquarter buildings benefiting from attractive well-connected location.
3. To provide for a pedestrian route through the site linking College Green to Tara Street Station framed by buildings on both sides containing active street level uses along the pedestrian route.
4. To provide a new attractive plaza at the junction of the new pedestrian street meeting Townsend Street/Hawkins Street and linking to Pearse Street. The design of

this space shall be framed to emphasise the connectivity to College Green and the new pedestrian street so that it provides a pleasant setting for pedestrians to enjoy and introduces people to any future major public realm upgrade of the College Green area.

5. To require a high standard of design for all new buildings within the site: with particular emphasis on the corners framing the plaza and the junction with Tara Street. The buildings addressing College Green will need to show sufficient design merit to reflect the civic importance of this location.

6. To seek wider less cluttered footpaths along Tara Street and Hawkins Street to create an opportunity for more attractive pedestrian environment.

7. To require that the building lines of Poolbeg Street, Townsend Street and Hawkins Street frame the street in a coherent manner and to seek that the ground floor level of buildings forming Poolbeg, Townsend and Hawkins Street incorporate active uses.

8. To require that an entertainment facility (i.e. a cinema and/or theatre) of floor area not less than the floor area of the existing Screen Cinema be provided as part of any redevelopment of the site.

9. The building heights in general across the site shall not exceed a maximum of 8 storeys (32 metres) for office/mixed use to parapet level with the possibility of 1 two-storey setback behind the parapet subject to assessment outlined in Section 17.6.3 of the development plan. Provision is made for one mid-rise building within the north-east quadrant of the development, which can, provided that design standards can be met: rise to a maximum of 12 storeys (48 metres). This building shall be designed and located so it forms a coherent part of the design approach for the new civic plaza and pedestrian Street.

10. The building heights to parapet level on Poolbeg Street and the impact of a new mid-rise building within the site will be informed by the height of the existing buildings and subject to detailed overshadowing analysis.

11. To ensure that a minimum of 75% of the floor area of the proposed development (Hawkins House) shall be used for employment or employment related uses.

5.2. **Dublin City Development Plan 2016 – 2022**

The subject site is governed by the zoning objective Z5 which seeks to “consolidate and facilitate the development of the central area, to identify, reinforce, strengthen and protect its civic design character and dignity”. In terms of permissible uses cultural, office, open space, restaurant, retail, artistic and recreational buildings and uses are permissible uses under this zoning objective.

Dublin City Council’s policy regarding such developments is set down in the Dublin City Development Plan 2016-2022 and The Dept of Housing, Planning & Local Government Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities.

The following sections of the Development Plan, amongst others apply:

Chapter 2 – Vision and Core Strategy

Section 2.2.3. Settlement Strategy: “For the inner city, the plan seeks to strengthen and consolidate the robust city-centre mixed-use zoning (Z5), with active promotion of the inner city as an attractive place for urban living, working and visiting...”

Chapter 4 – Shape and Structure of the City

Section 4.4 - The Strategic Approach - The creation of a more compact city, where residents can live close to their places of work or study, and can easily traverse the city, thereby reducing urban sprawl and unsustainable travel patterns.

Section 4.5.1 The Inner City and Docklands at the Heart of the Region

It Is the policy of Dublin City Council to: -

SC3 To continue to develop a network of safe, clean, attractive pedestrian routes, lanes and cycleways in order to make the city more coherent and navigable

SC7 To protect important views and view corridors into, out of and within the city, and to protect existing city landmarks and their prominence.

SC18 To promote a co-ordinated approach to the provision of tall buildings through local area plans, strategic development zones and the strategic development and regeneration areas principles, in order to prevent visual clutter or cumulative negative visual disruption of the skyline

SC17 To protect and enhance the skyline of the inner city, and to ensure that all proposals for mid-rise and taller buildings make a positive contribution to the urban

character of the city, having regard to the criteria and principles set out in chapter 15 (Guiding Principles)

Chapter 6 - City Economy and Enterprise

Section 11.1.5.6 Conservation Area – Policy Application New development should have a positive impact on local character. In seeking exemplary design standards, the planning authority will require development in Conservation Areas to take opportunities to enhance the area where they arise. Where a building has been identified as having a negative impact on an area, a pro-active approach to improvement will be sought. Where proposals involve demolition, policy for demolition of protected structures and buildings in conservation areas should be referred to.

Chapter 16 - Development Standards

All new proposals must demonstrate sensitivity to the historic city centre, the river Liffey and quays, Trinity College, the cathedrals, Dublin Castle, the historic squares and the city canals, and to established residential areas, open recreation areas and civic spaces of local and citywide importance.

5.2.1. Build-to-Rent

Chapter 5 of Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) refers to Build-to-Rent and Shared Accommodation Sectors.

5.2.2. Relevant policies and standards of the Dublin City Development Plan 2016-2022 include:

- Section 14.1 Zoning Principles -development should be encouraged in established centres, and the re-development of under-utilised and brownfield land in these areas should be promoted
- Parking: Area 1 applies to the appeal site.
- Chapter 4 refers to the Shape and Structure of the City
- Chapter 16 sets out Design Principles and Standards
- 16.2 Design Principles and Standards.
- Policy SC25 – To promote high standards of design

- QH3 (i) To secure the implementation of the Dublin City Council Housing Strategy`
- QH5 To promote residential development addressing any shortfall in housing provision
- QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.
- QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy
- QH13: To ensure that all new housing is designed in a way that is adaptable and flexible.
- QH18: To promote the provision of high-quality apartments
- QH19: To promote the optimum quality and supply of apartments for a range of needs and aspirations, including households with children, in attractive, sustainable mixed income, mixed-use neighbourhoods supported by appropriate social and other infrastructure
- Section 16.7.2 of the Development Plan includes height limits.

5.3. National Policy

Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Planning Objective 13

National Policy Objective 33

National Policy Objective 35

Sustainable Urban Housing: Design Standards for New Apartments 2018

Section 5.0 - Build-To-Rent and Shared Accommodation Sectors

BTR has a number of distinct characteristics as follows:

Ownership - individual residential units within the development are not sold separately for private ownership and/or subsequent sub-letting individually.

Amenities - the provision of dedicated amenities and facilities specifically for residents is usually a characteristic element. The provision of such facilities contributes to the creation of a shared environment.

SPPR 7 provides as follows:

BTR development must be:

(a) Described in the public notices associated with a planning application specifically as a 'Build-To-Rent' housing development that unambiguously categorises the project (or part of thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such.

Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period;

(b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development.

These facilities to be categorised as

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

SPPR 8 provides that

For proposals that qualify as specific BTR development in accordance with SPPR 7:

- (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;
- (ii) Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;
- (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;
- (iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;
- (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations

Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ 2018
- Urban Development and Building Height, Guidelines for Planning Authorities, 2018.

SPPR1 of the Guidelines states:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR 2 states

In driving general increases in building heights, planning authorities shall also ensure appropriate mixtures of uses, such as housing and commercial or employment development, are provided for in statutory plan policy. Mechanisms such as block delivery sequencing in statutory plans could be utilised to link the provision of new office, commercial, appropriate retail provision and residential accommodation, thereby enabling urban redevelopment to proceed in a way that comprehensively meets contemporary economic and social needs, such as for housing, offices, social and community infrastructure, including leisure facilities.

Other relevant guidelines include:

- Rebuilding Ireland: Action for Homelessness
- Guidelines for Planning Authority, Appropriate Assessment, NPWS

5.4. **Natural Heritage Designations**

There are two designed sites within 2.5Km of the site.

- South Dublin Bay SAC (site code 00210) is located 2km east of the site.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) is located 2.3km northeast of the site

5.5. **EIA Screening**

An Environmental Impact Assessment Screening report was submitted with the application which included Schedule 7A information. A Screening Determination was carried out and concluded that having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10(b)(i) "Construction of more than

500 dwelling units” and 10(b)(iv) “Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere of the Planning and Development Regulations 2001 (as amended),

- The location of the site on lands that are zoned for Z5 City Centre mixed Uses under the provisions of the Dublin City Development Plan 2016-2022 and the results of the strategic environmental assessment of this Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The brownfield nature of the site in site in an established urban context area served by public infrastructure and the existing pattern of development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

It was considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report was, therefore, not required.

6.0 The Appeal

6.1. Grounds of Appeal

- It is set out that the proposed construction of a 10-storey extension, resulting in a 21 storey building at Apollo House should be refused as the development does not protect College Green or Trinity College, does not comply with the George’s Quay LAP and conflicts with the high building provision of the Dublin City Development Plan, the Urban Development Building Heights Guidelines

and would adversely impact of the character, special interest and setting of other protected structures and Architectural Conservation Area.

Georges Quay LAP

- The LAP allows for mid-rise buildings only to a maximum of 12 storeys
- The LAP sets out that “Any high building at Tara Street should not intrude on the character of the Main Square at Trinity College” .
- The LAP allowed for one high building up to 22 storey at Tara Street (permitted under ABP 302980-18).

Dublin City Development Plan 2016-202

- The development is contrary to policy SC17 and Section 4.5.4.1 to provide a spatial approach to taller buildings of the Development Plan and the zoning objective – Z8 to seek to protect the “overall setting” of development within this zoning such as Trinity College.
- The photomontage View 6 illustrates the ‘Twin Tower’ effect which would be produced by the proposed development and the permitted Tara Street development. The close proximity and height of the development would undermine the function of the adjacent 1907 redbrick Florentine Tara Street Fire Station watchtower, a Protected Structure and would be contrary to SC7 of the Development Plan.

Urban Development and Building Height Guidelines 2018

- It is set out that while the guidelines permit increased height in urban areas the guidelines also include the proviso that “proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views” (Section 3.2).
- It is set out that the generic design and appearance does not integrate or enhance the cultural context of the adjacent Trinity College and the significance of the Trinity College enclosure and the Bank of Ireland, College Green and the setting of this historic urban space at College Green.

- It is set out that the guidelines in allowing for high buildings does not mean that critical planning issues such as the need to protect the amenity, light reach and rental/resale value of surrounding property, the need to protect the character, setting and special interest of Protected Structures and Conservation Areas, historic townscapes become non-issues.

Environmental, Construction and Safety Considerations Regarding High Buildings

- It is set out that research indicates the high environmental and energy-consumption costs of high buildings thereby necessitating high-yield tenants or occupants, which contributes to inflation of adjacent lands prices and increases unaffordability.
- High buildings are found to be unsuitable for the climate and latitude of Northern European Cities, creating down-drafts, wind tunnels and large areas of shadow.

Conclusion

The development is significantly closer to Trinity College and College Green than the permitted Tara Street development and will have a significantly higher impact.

6.2. Applicant Response

- It is set out that the development seeks minor amendments to the permitted scheme to ensure greater efficiency and to more robustly facilitate the construction of these key city centre sites improving connectivity and flexibility.
- In terms of the additional of a ten-storey residential tower containing 54 apartments, it is set out that the Visual Impact and Conservation considerations are considered in detail and have informed the design. The application is supported by Townscape and Visual Impact Assessment and a Conservation Assessment and a planning report which consider the development in compliance with the LAP and Urban Development and Building Height Guidelines.
- It is set out that the applicant concurs with the planning officer's assessment.

6.3. **Planning Authority Response**

The Planning Authority did not respond to the grounds of appeal.

6.4. **Observations**

6.4.1. Three no. observations were received.

1. Transport Infrastructure Ireland - The submission reiterates the contents of the original submission made to the planning authority on the 14th November 2019.

2. Irish Georgian Society. A brief summary of the issues raised in the submission to are set out below:

- The twenty-one-storey structure will have a detrimental impact on architecturally important vistas in the historic city core, in particular, College Green environs, Customs House environs and Trinity College environs.
- The development is contrary to the Dublin City Development Plan and the George's Quay Local Area Plan.
- It is set out that the development is contrary to the Building Height guidelines in so far as the scale, height and massing of the building does not successfully integrate into or enhance its cultural context.

3. Tanant limited, C/o John Spain Associates. A brief summary of the issues raised in the submission to are set out below:

- It is set out that the observes welcomes the decision of Dublin City Council to grant planning permission for the development
- The submission sets out concerns regarding inconsistency in the approach of Dublin City Council in terms of assessing applications in relation to building heights in the wider city area, namely the docklands.
- The observation requests the Board hold an Oral Hearing to seek clarity of this matter.

Note: Further to the above, I consider the issues raised are matters for discussion with Dublin City Council and not An Bord Pleanala.

6.5. **Further Responses**

None

7.0 Assessment

7.1. Introduction

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- **Principle of Development** - (1) Amendments to the permitted planning permissions, (2) Proposed 54 Build-to Rent apartments
- **Design** of additional 10-storey residential tower resulting in 21-storey building at Apollo House – Height, Visual Impact and Impact on Architectural Heritage
- **Other Matters**
- **Appropriate Assessment**

7.2. Principle of Development

Amendments to the permitted planning permissions

7.2.1. This application consists of amendments to previous permissions relating to College House, Apollo House and the former Screen Cinema. In implementing the planning permission obtained for the College House and Apollo House sites, the development proposes amendments to both of these sites to provide for a more uniform and coordinated approach to the development of both sites, consisting of amendments to the streetscape, increase in floor area and building mass to optimise the interconnectivity of the buildings, in addition to the introduction a 10-storey residential tower above the permitted Apollo House. At its highest point the proposal will rise to 21 storeys plus an open screened plants area (10 office + office plant + 10 residential). The issues of increased building height associated with the residential tower will be addressed in section 7.3 below.

7.2.2. The site is located in the city centre on lands zoned Z5 which seeks to consolidate and facilitate the development of the central area, to identify, reinforce, strengthen and protect its civic design character and dignity. The George's Quay local area plan was adopted by Dublin City Council in 2012. It is a statutory document and sets out a statutory planning framework along with the Dublin City Development Plan in guiding future development of the site and its surroundings. The subject site is located in what

is referred to in the LAP as the 'Hawkins House Block'. There are 11 key objectives in relation to the redevelopment and regeneration of the Hawkins House site. I am satisfied that the principle of the development is in compliance with the objectives for the site.

- 7.2.3. The site has a stated area of approx. 5,013sqm and the total floor area proposed is 50,060sqm. The permitted floor area proposed to be retained within the subject site is 40,326sqm and the proposed new floor space is 9,734sqm. The indicative site coverage and plot ratio standards are set out in the Dublin City Development Plan 2016-2022. Site coverage standards are 90% for Z5 and plot ratio standards are 2.5-3.0 for Z5. The site coverage for the proposed development is stated as 72%. The stated plot ratio for the development is 10. The Development Plan provides for increased plot ratio and higher site coverage in particular circumstances such as
- adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed,
 - to facilitate comprehensive redevelopment of areas in need of urban renewal,
 - to maintain existing streetscape profiles,
 - where a site already has the benefit of a higher site coverage plot ratio.

In terms of measuring density and the avoidance of the adverse effects of overdevelopment, the specific nature and qualitative elements of the proposal need to be considered in terms of the assessment of the appropriateness of the development as proposed relative to its context. In assessing the wider considerations, it is appropriate to rely on the qualitative factors defining built form including height, design, open amenity space provision, and standards of public realm.

- 7.2.4. In the context of the overall permitted scheme, I am satisfied that the increase in the extent and massing of the permitted Apollo House and College House and the associated increase in floor area and alterations of façade treatment constitute minor modifications and do not significantly alter the permitted development and are accordingly acceptable, in principle. The potential visual impact of this increased massing has been considered in the Townscape and Visual Impact Assessment (TVIA) and photomontages submitted with the planning application. I have reviewed

the TVIA and photomontages submitted, and I am satisfied that the TVIA identified that at no viewpoint location were the effects of the proposal considered adverse in the context of the site setting and the wider streetscape setting.

- 7.2.5. I note a minor reduction in car parking on site and an accompanying increase in cycle parking. The Development Plan establishes that car parking provision may be reduced or eliminated in areas that are well served by public transport. I am satisfied that there is no issue with car parking provision on the site.
- 7.2.6. The revised proposal maintains adequate separation distance from The Brokerage apartment complex and whilst some overlooking may occur in the context of this urban setting, I considered this acceptable in this instance. As stated, the issue of the impact of the additional 10-storey residential tower will be assessed further in section 7.3 below.
- 7.2.7. I agree with the planning authority that the overall scale of the proposed scheme is undoubtedly large however the use of setbacks in the façade and the changes in the palette of materials serve to reduce the scale of the building, whilst enhancing the architectural character. I consider this an acceptable approach in the context of the urban setting and the policy objectives for the site as set out in Chapter 5 of the George's Quay Local Area Plan.

Build to Rent

- 7.2.8. The proposed development includes new build to rent residential accommodation over part of the permitted Apollo House onto Poolbeg St. and Tara St. containing 54 residential apartment units (45 no. 1 bedroom and 9 no. 2 bedroom). The proposed residential element includes communal internal residential amenity space of 207.9sq.m and external terraces on the east and west elevations.
- 7.2.9. The site is located in the city centre and the provision of Build to Rent Accommodation at this location is supported by the apartment guidelines having regard to its well-connected location, close to the amenities and employment hubs. The proposal will provide a viable housing solution to households where homeownership may not be a priority. In this regard, I agree with the planning authority that the residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

- 7.2.10. As outlined in Chapter 5 'Quality Housing' of the Dublin City Development Plan 2016-2022, it is an aim of Dublin City Council to encourage and foster living at sustainable urban densities and to expediate housing supply in the city. This is reinforced in Section 2.2.3 Settlement Strategy of the Plan which sets out strong policy emphasis on the need to gain maximum benefit from existing assets..."
- 7.2.11. It is a key objective of the National Planning Framework to secure compact and sustainable urban development. National Policy Objective 11 states that "in meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth". These policies seek to secure national policy and legislation in meeting the housing needs of the City, to ensure a speedy effective and sustainable 'step up' in future housing supply, to reverse the scale of unmet housing needs and, to ensure delivery of the development plan policy objectives for encouragement of permanent residential communities in mixed use sustainable neighbourhoods within a socially inclusive city, which includes the centre of the city.
- 7.3. SPPR 7 (b) of the Apartment Guidelines provides that BTR development must be accompanied by detailed proposals for (i) resident support facilities and (ii) resident services and amenities. An Estate and Common Area Property Management Strategy accompanied the planning application. SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units and in relation to the provision of all of the communal amenity space, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.
- 7.3.1. It is considered that the proposed development in terms of floor areas would be acceptable and in accordance with the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, March 2018. The Planning Authority have raised no issues in this regard. Each residential floor contains 5 x 1 bed and 1 x 2 bed apartments. These units are served by a central corridor accessed from a lift lobby that looks south over the city towards Trinity

College. There are 54 units in total and 36 of the units are corner dual aspect and the other 18 face east or west.

- 7.3.2. No private open space has been provided as it was considered balconies were not appropriate at this height, balcony space, which otherwise would have been provided has been subsumed as additional floor space within the apartments and sliding windows with flush balustrades have been integrated into the windows of the proposed kitchen/living/dining spaces of each unit. The planning Authority consider given the high-rise nature of the proposed residential element that the proposed private open space provision is adequate and considered appropriate in this instance. I would agree.
- 7.3.3. The top storey of the proposed tower facilitates the ancillary residential amenities. The top floor provides a sub-divisible function room with fitted kitchen, a lounge, a gym with recovery room and both east and west facing usable terraces, approx. 203sqm. I consider this to be an acceptable level of recreational amenities for this development. I also note many recreational facilities are located within walking distance of this site.
- 7.3.4. The proposed development does not provide for residential car parking having regard to the city centre location. A mobility management plan accompanied the planning application noting the central accessible location in proximity to numerous public transport modes. The scheme provides for 76 no. secure cycle parking spaces. I have no issue with car parking in the site.

Conclusion

The overall redevelopment scheme provides primarily for employment-based development with an additional 54 residential units. The introduction of a residential element will ensure an appropriate mix of uses, providing essential housing units. I am satisfied that the introduction of a residential element does not compromise the objective of the George's Quay Local Area Plan to deliver a minimum of 75% of the floor area for employment use. The development will consolidate the development of an underutilised city centre site with modern mixed-use buildings. The provision for improved activity and engagement at street level and enhancements to the public realm is in my view successful from an urban design perspective.

7.4. Design of additional 10-storey Residential Tower resulting in 21-storey building at Apollo House

Building Height, Visual Impact and Impact on Architectural Heritage

- 7.4.1. The appellants argue that the proposed construction of a 10-storey extension, resulting in a 21 storey building at Apollo House should be refused as the development does not protect the architectural and cultural heritage of College Green or Trinity College, does not comply with the George's Quay LAP and conflicts with the high building provision of the Dublin City Development Plan and the Urban Development Building Heights Guidelines (2018) and would adversely impact of the character, special interest and setting of adjoining protected structures and Architectural Conservation Areas.
- 7.4.2. Georges Quay LAP (2012) allows for mid-rise buildings only to a maximum of 12 storeys. The appellant argues that the LAP sets out that "Any high building at Tara Street should not intrude on the character of the Main Square at Trinity College" and that the LAP allowed for one high building up to 22 storey at Tara Street which has been permitted under ABP 302980-18.
- 7.4.3. The first party justifies the increased building height on the basis of the National Planning Framework which expressly seeks the densification of brownfield, infill, urban sites. In this regard, I consider the infill policy as set out in Policy QH8 of the Dublin City Development Plan 2016-2022 relevant in this instance which seeks to promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the character of the area.
- 7.4.4. At its highest point, the proposal rises to 21 storeys plus an open screened plant area (10 storeys office + 1 storey office plant + 10 storeys residential). The proposed scheme at c.76.8 metres in height (78.8 metres including plant) exceeds the current height restriction as set out in Section 16.7.2 of the Dublin City Development Plan (2016-2022). The first party argue that the rationale for increased height at this location goes beyond the specific height limits of the Local Area Plan and should be considered in the context of the wider height polices of the Development Plan, National policy and the site context.

- 7.4.5. The Urban Development Building Height Guidelines (2018) establish the principle for this re-examination of height limits. In this regard, I consider that there is scope to consider greater building heights at this location subject to application of relevant objectives and criteria such as significant public transport capacity and connectivity, and the architectural, urban design and where public realm outcomes would be of very high quality. I consider SPPR 3 of the Building Height Guidelines does apply in this instance. The Building Height Guidelines have been issued since the adoption of the Local Area Plan and the County Development Plan in 2016 and it is national policy to support increased building height and density in such locations as per SPPR 1.
- 7.4.6. Clearly additional building height over and above prevailing height can have a considerable impact in the context of streetscape. The proposed additional 10-storey residential tower will represent a considerable urban form at this location. The immediate area is of mixed character including, office, other commercial uses, restaurant/café, and residential. The prevailing building height in the immediate vicinity of the site is mixed ranging from two-three storey commercial with residential overhead to seven-eight storey office blocks. Of note and as raised by the appellant and observers to the appeal planning permission was granted in 2019 (ABP 302980-18) for the demolition of office buildings and the construction of 22-storey office & hotel development to north east of the site at the junction of Tara Street and Poolbeg Street.
- 7.4.7. The appellant has expressed a specific concern regarding the impact of the increased height on the architectural heritage of the wider in area, in particular, Trinity College and College Green. The appellant argues that the development is contrary to policy SC17 and Section 4.5.4.1 of the Dublin City Development Plan 2016-2022 to provide a spatial approach to taller buildings and would be contrary to the zoning objective – Z8 to seek to protect the “overall setting” of development within this zoning such as Trinity College. It is set out that the photomontages, in particular, view 6 illustrates the ‘Twin Tower’ effect which would be produced by the proposed development and the permitted Tara Street development (ABP 302980-18). It is further stated that the close proximity and height of the development would undermine the function of the adjacent 1907 redbrick Florentine Tara Street Fire Station watchtower, a Protected Structure and would be contrary to SC7 of the

Development Plan. The appellant contends that this argument is reinforced in the Urban Development and Building Height Guidelines 2018, which is set out that while the guidelines permit increased height in urban areas the guidelines also include the proviso that “proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views” (Section 3.2).

- 7.4.8. The appellant argues that the generic design and appearance does not integrate or enhance the cultural context of the adjacent Trinity College and the significance of the Trinity College enclosure and the Bank of Ireland, College Green and the setting of this historic urban space at College Green. Whilst, I agree the development will represent a significant visual impact on the skyline at this location and would be visible in the wider city skyline, I note the site is not located within an architectural conversation area and there are no protected structures on the site.
- 7.4.9. The potential visual impact of this increased massing has been considered in the Townscape and Visual Impact Assessment (TVIA) and photomontages submitted with the planning application. Key changes considered to have the potential to result in townscape and visual impacts relate to the north section of Apollo House and the introduction of the ten-storey residential tower. The tower is composed of nine storeys of residential accommodation with an additional set back floor containing tenant amenities. The design reflects a slender tower recessed from the primary building lines of Tara Street and Poolbeg Street. The plan is described as lozenge shaped. Four slender fitted white glass and aluminium planes framed in matt white terracotta rotate around the plan. Between them, zones of clear glass and dark aluminium floor spandrels accentuate the vertical order.
- 7.4.10. The increased vertical plan of the building perches above the framed view of the site. The photomontages also indicate that the higher building scale will be visible from many locations. However, the slender form of the structure recessed above the more significant mass of the permitted 10 floors, in my opinion, serves to reduce the visual impact of the structure in the immediate environment. In a wider cityscape context, the introduction of a slender residential tower at this location embedded in an existing urban block is acceptable. In terms of visual impact, the larger the proportion of the building contrasting with the sky, the higher the visual impact. The tower is notably

slender in form and light in colour and reflective. The slender form and proposed finishes represent a contemporary architectural form, and, I agree with the applicants assessment that the building form, whilst notable in relation to the surrounding built form, is not dominant or uncharacteristic with its surrounding built context and in the context of the proximity to the river, the development would generate a strong sense of place through the diversification of the skyline and make a positive contribution to the urban character of the area.

- 7.5. In relation to the visual impact and impact on the architectural heritage of Trinity College square, College Green and the Customs House and the River Liffey Conservation Area and the O'Connell Street and Environs Architectural Conservation Area, I am satisfied that the development will be significantly removed from these site and when viewed from these sites will form part of the wider urban backdrop and while the development will represent a noticeable structure in the built environment, the development will be located in the background which will significantly reduce the visual impact, and, I am satisfied that the development will not adversely detract from the architectural, historical and cultural setting of these sites. Similarly, the site is located approx. 100m from Tara Street Fire Station watchtower, a Protected Structure. In the context of the tight urban grain of the site and the separation distance, I am satisfied that the development will not detract from the setting of this protected structure. I note the Conservation Report submitted with the planning application concluded that at the development owing to separation distances will have little effect on the architectural heritage of either protected structures or conservation areas. I further note that the conservation officer and no concerns in this regard.
- 7.5.1. In terms of the cumulative impact of the development and the permitted Tara Street tower (ABP 302980-18), I am satisfied that the proposed development as a standalone tower or in combination with the adjoining permitted tower will represent a positive impact on the skyline and in the context of the site that the development will represent a balanced, coherent and attractive skyline.
- 7.5.2. I have reviewed the TVIA and photomontages submitted, and I am satisfied that the TVIA identified that at no viewpoint location were the effects of the proposal considered adverse in the context of the site setting and the wider streetscape setting.

7.5.3. I acknowledge that the building will be a prominent feature in the streetscape and wider cityscape. However, in the context of the site and the adjoining vistas, I consider the proposed development would represent the evolution of architectural form and expression in the city centre. Furthermore, the juxtaposition of the contemporary tower block and the separation distance from adjoining heritage buildings would achieve a significant architectural contrast that would not detract from the setting of Trinity College, College Green, Tara Street Fire Station watchtower and the Customs house but rather highlight their significant architectural value in the city. The development would create an attractive and interesting vista on the approach to the site from all directions and enhance the overall character of the city skyline.

7.6. Other Matters

7.6.1. A **Wind and Microclimate Modelling** report was submitted as part of the planning application. The report carried out a number of modelling tests. Nine worst case wind scenarios were assessed. The report concludes that the modelling determined that the proposed development will produce a high-quality environment comfortable for pedestrians in so far as the surrounding environment and the development properly shields paths/walkways around and within the development and the proposal will not introduce any critical impact on the surrounding buildings, or nearby adjacent roads. It is also set out that appropriate mitigation measures to include tree planting will shield the corner of exposed roof terraces.

7.6.2. A **Sunlight and Daylight Access Analysis** report submitted sets out that the proposed development is not predicted to result in any undue adverse impacts on sunlight and daylight access to neighbouring lands with the exception of The Brokerage apartment complex located on the south-eastern corner of the subject site. The vertical sky component (VSC) fails to meet the BRE Guidelines VSC >80% of its former value. The shadow analysis confirms that negligible overshadowing is perceived to any of the surrounding properties when compared to the permitted scheme. This is acceptable.

7.6.3. Any potential impact in terms of the impact of sunlight/daylight and overshadowing on The Brokerage must be balanced against the wider development of the site and any potential adverse impact in terms of overshadowing within the city centre must be balanced against the need to provide a quantum of development in accordance

with the requirements of the National Planning Framework which seeks to provide a more compact urban form and to provide higher density infill on brownfield sites. I note also the planning permission has been sought under DCC Reg. Ref. 2583/20 for amendments to the permitted development to include the demolition of existing structures (which includes the apartment building known as The Brokerage, vacant ground floor retail unit and bar unit basement -1) and the construction of a new 8-11 storey commercial development on the site of the existing Brokerage Building on the south east corner of the site, that would integrate into the adjacent permitted College House and Apollo House office development.

- 7.6.4. The appellant has expressed concerns regarding the **high environmental and energy-consumption costs** of high buildings thereby necessitating high-yield tenants or occupants, which contributes to inflation of adjacent lands prices and increases unaffordability. Whilst, I note the appellants concerns the need for increased development densities in urban areas where services and amenities already exist has to be balanced against the environmental and construction implications increased urban sprawl. I further note the issue high yield tenant and inflation of lands is not a matter for the Board.
- 7.6.5. The **site-specific Flood Risk Assessment** was carried out. The report concludes that the site is located within Flood Zone B. The development relates to modifications to a permitted scheme and subject to mitigation measures the development was deemed acceptable and the flood risk to the proposed development site is low. The Engineering Department – Drainage Division of Dublin City Council raised no objection to the development in this regard.
- 7.6.6. An **Ecological Impact Assessment** has been submitted with the application. This has regard to Desk Study and the specific design of the development, in particular, the impact of Birds flight lines. The report includes a number of design mitigation measures to avoid bird/building collisions. It is noted that Dublin is not a specific nocturnal migratory flight path and the potential for nocturnal bird collisions has a neutral effect.
- 7.7. **Appropriate Assessment**
- 7.7.1. The site is not located within or directly adjacent to any Natura 2000 sites.

- 7.7.2. A screening report for Appropriate Assessment was submitted with the planning application. It confirmed that the proposed development would not be located within any European sites. 9 SAC's and 8 SPA's were identified within 15km of the site.
- 7.7.3. The Stage 1 AA screening report concluded that having regard to the nature and scale of the development and nature of the receiving environment, the proximity to the nearest European Site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans and projects on a European Site.
- 7.8. It is reasonable to conclude that on the basis of the information on the file, which I considered adequate in order to issue a screening determination, that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the sites' conservation objectives, and a Stage 2 Appropriate Assessment (and submission of an NIS) is not therefore required.

8.0 Recommendation

Having considered the contents of the planning application, the decision of the planning authority, the provisions of the development plan, the grounds of appeal and the responses thereto, my inspection of the site and my assessment of the planning issues, I recommend that permission be granted for the development for the reasons and considerations set out below.

9.0 Reasons and Considerations

Having regard to:

- a) the 'Urban Development and Building Heights Guidelines for Planning Authorities' issued by the Department of Housing, Planning and Local Government in December, 2018,
- b) the National Planning Framework,

- c) the Dublin City Development Plan, 2016-2022 (zoning objective Z5 - “to consolidate and facilitate the development of the central area and to identify, reinforce, strengthen and protect its civic design, character and dignity”),
- d) the George’s Quay Local Area Plan 2012, which was extended to 2022 in July 2017,
- e) the existing character and pattern of development in the area and the city centre location of the site together with its proximity to public transportation infrastructure,
- f) plans and details included with the application and the appeal, and
- g) the layout, form, mass, height, materials, finishes, design detail, and the public realm provision and enhancements.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity

2. The proposed development shall be carried out in accordance with the conditions attached to the parent permissions granted under planning register reference number 3036/16, An Bord Pleanála reference number PL 29S.247907, planning register reference number 3637/17 (An Bord Pleanála reference number PL 29S.300709), planning register reference number 2415/19 and planning register number 2907/19 (An Bord Pleanála reference number ABP 304950-19) and planning register number 3668/19 (An Bord

Pleanala number ABP 305652-19), except as amended in order to comply with the conditions attached to this permission.

Reason: In the interest of clarity

3. Details of the materials, colours and textures of all the external finishes, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to the commencement of development, the Applicant shall contact the Irish Aviation Authority to agree an aeronautical lighting scheme for the development and provide notification of intention to commence any crane operations with a minimum of 30 days' notice.

Reason: In the interests of health and safety and to ensure a satisfactory standard of Development

5. Prior to commencement of development , the developer shall submit, for the written consent of the planning authority, details regarding the lighting of the building at night.

Reason: In the interests of visual amenity

6. Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the residential development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first 'shared living units' within the scheme.

Reason: In the interests of proper planning and sustainable development of the area.

7. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent Accommodation

scheme. Any proposed amendment or deviation from the Build to Rent Accommodation model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

8. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

9. A total of 450 number cycle spaces shall be provided at basement level providing for key/fob access for the cycle compounds and wheel and frame locking. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

10. Prior to the commencement of development, details of the proposed loading bay arrangements for Poolbeg Street and Hawkins Street, which shall be provided, along with any other alterations to the road network which are required, at the applicant's expense, shall be submitted to, and agreed in writing with, the planning authority.

Details of all ground floor external seating areas shall be agreed in writing the planning authority prior to the commencement of development.

Reason: In the interest of clarity and orderly development.

11. A minimum of 10% of all the commercial parking areas serving the development shall be provided with electric connection points to allow for functional electrical vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points. Details of design and signage for the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

12. The developer shall ascertain and comply with the requirements of the roads and traffic planning division of Transport Infrastructure Ireland and the Operator of LUAS Cross City throughout the entirety of the demolition and construction stages to the satisfaction of the planning authority. All works shall be in accordance with the recommendations set out in the “Code of Practice for works on, near or adjacent to the LUAS Tramway”.

Reason: In the interest of clarity, safety and convenience.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution in respect of the LUAS Cross City Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Irené McCormack
Planning Inspector

11th May 2020